

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KEVIN AND SHERRYE WEBSTER

PLAINTIFFS

V.

CAUSE NO: 1:05cv715LTS-JMR

USAA CASUALTY INSURANCE CO.

DEFENDANT

**PLAINTIFFS' RESPONSE TO DEFENDANT'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COME NOW the plaintiffs Kevin and Sherrye Webster, by and through their attorneys, Merkel & Cocke, P.A., and, in opposition to the Defendant's Motion for Partial Summary Judgment as to the plaintiffs' claims for punitive and extra contractual damages, states as follows:

1. The defendant has failed to establish that there is no genuine issue of any material fact regarding the plaintiffs' claims for punitive and other extra-contractual damages and has failed to establish that it is entitled as a matter of law to a judgment on these claims.

2. The basis for this response is set forth in the Memorandum of Authorities filed with this response.

3. In opposition to Defendant's Motion for Partial Summary Judgment, the plaintiffs rely upon the following:

Exhibit 1	Plaintiffs' USAA Insurance Policy
Exhibit 2	USAA's \$10,994.16 check
Exhibit 3	Gary Taylor Deposition excerpts
Exhibit 4	USAA's file descriptions of carriage house/garage
Exhibit 5	Sherrye Webster Discovery Responses dated May 30, 2006
Exhibit 6	Aaron Harris' Report served May 26, 2006
Exhibit 7	Mark Voll Deposition excerpts
Exhibit 8	Photographs of House
Exhibit 9	Magazine Publication re. House
Exhibit 10	Sherrye Webster Deposition excerpts
Exhibit 11	USAA 1032

Exhibit 12	USAA 1026
Exhibit 13	Voll's Initial Assignment Sheet from Gary Taylor
Exhibit 14	Affidavit of Sherrye Webster
Exhibit 15	Gary Taylor work diary, USAA Bates No. 969
Exhibit 16	USAA 1027
Exhibit 17	Sylvia Ramirez Deposition excerpts
Exhibit 18	USAA 1237
Exhibit 19	USAA 1029
Exhibit 20	Jim McGowin Deposition excerpts
Exhibit 21	USAA reservation of rights letter, dated September 26, 2005
Exhibit 22	USAA 998, 1002
Exhibit 23	USAA 992
Exhibit 24	USAA 945
Exhibit 25	USAA letter denying coverage, November 17, 2005
Exhibit 26	USAA 1007
Exhibit 27	USAA 1022
Exhibit 28	Sue Curtin evaluation of Websters' Personal Property
Exhibit 29	Photographs, post-Katrina
Exhibit 30	USAA 1042
Exhibit 31	O'Malley deposition and exhibit thereto
Exhibit 32	Kevin Webster affidavit

and all pleadings filed herein.

WHEREFORE, PREMISES CONSIDERED, the plaintiffs respectfully request that this Honorable Court deny the Defendant's Motion for Partial Summary Judgment.

Respectfully submitted this the 27th day of June, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2007, I electronically filed the following with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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